

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In Re: Case No. 22-12180

LaChon Smith Chapter 13

Debtor. Hon. Judge Carol A. Doyle

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**OBJECTION TO CONFIRMATION OF PLAN FILED ON 10/20/2022**

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**NOW COMES** Bridgecrest Acceptance Corp, and/ or its assigns (hereinafter “Creditor”), by and through its attorneys, Sottile & Barile LLC, and moves this Honorable Court for an Order denying confirmation of Debtor’s plan filed on 10/20/2022 and in support thereof states as follows:

1. Debtor filed a petition under Chapter 13 of Title 11, United States Bankruptcy Code on October 20, 2022 and this Court has jurisdiction pursuant to 28 U.S.C. §1334 and Internal Operating Procedure 15(a) of the United States District Court for the Northern District of Illinois.
2. As reflected in the filed Proof of Claim attached hereto as Exhibit “A”, Creditor is a secured creditor of Debtor with respect to a certain indebtedness in the amount of \$17,180.07 secured by a lien upon a 2017 FORD FUSION motor vehicle bearing a Vehicle Identification Number (“VIN”) of 3FA6P0HD0HR272966 (the “Vehicle”). (See Ex. “A”). Debtor purchased the Vehicle on October 22, 2020, i.e., less than 910 days prior to the date of commencement of these proceedings.
3. As set forth in the Retail Installment Contract (the “Contract”) attached as part of Exhibit “A”, Debtor was required to tender bi-weekly payments to Creditor, each in the sum of \$238.52 each with an interest rate of 22.176%. (See Ex. “A”).
4. Debtor’s Plan does not provide treatment for the vehicle.
5. That sufficient grounds exist for denial of confirmation of Debtor’s plan:
  - a. The Debtor’s bankruptcy was filed on October 20, 2022 and the vehicle was purchased on October 22, 2020; therefore, the vehicle was purchased within 910 days of the filing of the petition. Creditor is entitled to the full contract balance of the vehicle at filing, which was \$17,180.07 at a “Till” interest rate of 8.25%. (The current Wall Street Journal published prime interest rate, plus a 2% risk factor).

- b. Debtor's Plan fails to provide treatment for the vehicle.
- 6. Creditor has incurred attorney fees and/or costs in connection with this bankruptcy proceeding subject to court approval, including:

For Objection to confirmation of the Chapter 13 plan including plan review and attending confirmation, if not separately billed.

**WHEREFORE**, Creditor prays this Court deny confirmation of the plan allowing the fees and costs described herein to be added to the indebtedness pursuant to the terms of the Retail Installment Contract, and for such other and further relief as this Court may deem just and proper.

Dated: January 5, 2023

Respectfully Submitted,

/s/ Molly Slutsky Simons

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